

Efforts by U.S. Senator Heidi Heitkamp to Improve Health Care Reform

The health care reform law isn't perfect. No law ever is. Since before joining the U.S. Senate, Senator Heitkamp has said there are good pieces of the law and pieces that need to be fixed. Just as Congress has improved other major legislation – such as Medicare or retirement security – it should change parts of the health care reform law that don't work or could work better, rather than ripping health insurance away from families and small businesses without any alternate plan in place. In addition to calling for commonsense solutions to make the law more workable for families, businesses and communities, Heitkamp has continued working with members of Congress on both sides of the aisle, offering bills that would improve the law:

113th Congress (2013-2014)

July 2013: The Administration [heeded Heitkamp's call](#) to delay a health reform legislation requirement that businesses employing more than 50 workers provide insurance to their employees. Heitkamp had urged the Administration to postpone implementing the rule until a workable system for businesses was in place.

August 2013: Heitkamp hosted a panel discussion for small business owners and workers in North Dakota to discuss their concerns and questions about the Affordable Care Act and discuss ways to address challenges and clarify benefits for small employers. Heitkamp has continued to meet with health care professionals, small business owners, and employees across the state to find commonsense solutions to issues they have faced with the legislation.

September 2013: Heitkamp [launched a webpage](#) to help answer North Dakotans' questions about the Affordable Care Act, and convey important information about enrollment options for individuals and families.

March 2014: To address the concerns Senator Heitkamp heard from North Dakotans, she led colleagues in [offering a series of commonsense proposals](#) to make the law work better for individuals, families, and small businesses, including the following:

- *Expanded Consumer Choice Act* would add a Copper Plan to the health insurance Marketplace - giving consumers and families more control of their health coverage, increasing affordability, and spurring competition by offering the choice of paying lower premiums if families or individuals are willing to pay more for out-of-pocket medical costs.
- *Increased Competition for Consumers Act* would reinstate federal funding for entities to apply to operate a Consumer Operated and Oriented Plan, promoting competition and more diverse health care options in the Marketplace.
- *Commonsense Competition and Access to Health Insurance Act* directed insurance regulators to develop models to safely sell health insurance across state lines. Her bill aims to identify and address potential interstate health insurance challenges and determine its benefits like driving down costs while maintaining quality and value.

- *Small Business Tax Credits Accessibility Act* to make health coverage more affordable for small businesses by broadening tax credit eligibility to businesses with up to 50 workers, average salaries of up to \$100,000, and families of small business owners.
- *Small Business Stability Act* would help make sure small businesses with 100 full-time employees or less can determine their ability to offer health care coverage to their workers. Her bill would also clarify the types of businesses eligible for such flexibility.
- *Commonsense Reporting Act* would require families to only report the date of birth from dependents under employer-sponsored plans. Her bill would also make electronic opt-out submission provisions more reasonable, and require federal agencies to review a pre-certification process that would be most practical for families. Heitkamp helped reintroduce this bill in May 2016.
- *Treating Families Fairly Act* to make sure that when family members with the same employer are on the same health plan, businesses can exempt dependent family members from their count of overall full-time employees.

June 2014: Heitkamp helped introduce the *Family Coverage Act* to fix the “family glitch” and allow dependent children or spouses – not just individuals with single-coverage plans – to be eligible for tax credits when their employer-sponsored care is unaffordable, costing more than 9.5 percent of their family income.

114th Congress (2015-2016)

February 2015: The Centers for Medicare & Medicaid Services (CMS) within the U.S. Department of Health and Human Services (HHS) heeded [Heitkamp’s January call](#) to provide more enrollment flexibility for individuals and families in North Dakota and across the country who did not have health care coverage in 2014, so that they could avoid costly tax penalties for 2015. CMS announced a special enrollment period for individuals and families who did not understand or were not aware of the tax fee implications of not enrolling in health care coverage.

February 2015: Heitkamp helped reintroduce the *Small Business Tax Credits Accessibility Act*.

February 2015: Heitkamp helped introduce the bipartisan *Protecting Volunteer Firefighters and Emergency Responders Act*. Now law, the bill will promote the employment of volunteer firefighters and emergency responders by exempting them from a business’ overall tally of full-time workers. (This bill was signed into law in March 2015.)

March 2015: Heitkamp introduced her bipartisan *Restoring Access to Medication Act* with Republican Senator Pat Roberts of Kansas to help make over-the-counter medications more affordable by doing away with the undue burden of requiring a prescription to use pre-tax Flexible Savings Accounts and Health Savings Accounts to pay for medically necessary expenses.

May 2015: Heitkamp reintroduced her legislation, the *Small Business Stability Act*.

June 2015: Heitkamp introduced her bipartisan *Small Business Healthcare Relief Act* with Republican Senator Chuck Grassley of Iowa to help employers offer health care reimbursement

accounts (HRAs) to their employees even when they are not required to offer health insurance. Heitkamp's bill untangles the rule linking providing HRAs with qualifying health insurance coverage to help make sure more employees can take advantage of tax-preferred coverage. (This policy was signed into law in December 2016.)

September 2015: Heitkamp again supported reintroduction of the *Commonsense Reporting Act*.

September 2015: Heitkamp supported the bipartisan *Protecting Affordable Coverage for Employees Act* to make sure businesses employing up to 100 employees qualify as small businesses. Now law, the bill helps provide small businesses the flexibility they need when it comes to providing health benefits to their employees without going under, and give states more options in defining group coverage markets. In March 2015, Heitkamp led colleagues in calling early attention to this issue, urging the U.S. Department of Health and Human Services to delay implementation of an Affordable Care Act policy too narrowly defining small employers. (This bill was signed into law in October 2015.)

September 2015: Heitkamp supported the *Protecting Access to Lifesaving Screenings (PALS) Act* to protect access to annual mammogram screenings by ensuring health insurance plans continue to cover the service as a preventive service free of cost-sharing – a benefit created by the ACA. Heitkamp led a bipartisan, bicameral letter calling attention to this issue in May 2015 and requesting HHS take action to ensure continued access to these critical breast cancer screenings.

June 2016: Heitkamp supported the bipartisan *Common Sense Nutrition Disclosure Act* to provide flexibility to help non-restaurant food service businesses like deli counters and self-service buffets comply with new menu labeling requirements, as well as boosting transparency for consumers by allowing businesses like pizza delivery services to post caloric information online instead of in their storefront.

115th Congress (2017-present)

January 2017: In the face of a potential budget reconciliation bill to repeal the ACA with no clear plan, Heitkamp joined a group of 13 moderate Democrats in sending a letter to Leader McConnell, HELP Chairman Alexander, and Finance Chairman Hatch outlining both the immediate and long-lasting negative impact of repealing the ACA without a plan for replacement. The letter specifically states “those who support repeal assume the responsibility of mitigating the unnecessary and avoidable chaos this will create.”

January 2017: Heitkamp reintroduced her legislation, the *Restoring Access to Medication Act* (S. 85), with Senator Pat Roberts (R-KS).

February 2017: Heitkamp again supported the bipartisan *Common Sense Nutrition Disclosure Act* (S. 261).

June 2017: Heitkamp cosponsored the *Individual Health Insurance Marketplace Improvement Act (S. 1354)* to make the reinsurance program for the individual market permanent and devote resources to outreach and enrollment efforts.

June 2017: Heitkamp helped introduce the *Marketplace Stabilization Act (S. 1462)* to make cost sharing reduction (CSR) payments permanent (as opposed to current law subjecting them to appropriations) and increase the eligibility and generosity of the benefit. Heitkamp also took to the floor with ~20 colleagues to request unanimous consent to pass S. 1462; it was objected to by Republicans.

July 2017: Heitkamp helped introduce the *Commonsense Competition and Access to Health Insurance Act (S. 1546)* to request insurance regulators (the National Association of Insurance Commissioners - NAIC) to analyze models to sell health insurance across state lines.

July 2017: Heitkamp introduced the *Addressing Affordability for More Americans Act (S. 1529)* to turn the subsidy cliff into a slope for middle income earners. The bill extends the advance premium tax credit (APTC) eligibility up to 800 FPL with an accelerated draw-down on assistance as consumers earn over 400 FPL. Under the ACA, the APTC is offered between 100 and 400 FPL; even nominal earnings over 400 FPL make you ineligible for assistance.

October 2017: Heitkamp sent a letter to the Department of Health and Human Services (HHS) and the Centers for Medicare and Medicaid Services (CMS) regarding the Administration's decision to cut funding for the Navigator program. Specifically, the letter requests more information regarding the metrics used to determine funding cuts, how the entirety of the state will be served with nearly 67 percent less resources, and if there will be specific outreach efforts to Indian Country.

October 2017: Heitkamp introduced the *Small Business and Family Health Tax Relief Act (S. 1978)* to delay the health insurance tax (HIT) for two years – 2018 and 2019. It also makes the fee tax deductible in future years, should it go into effect, to provide greater stability and minimize the negative impact of the fee on consumers.

October 2017: Heitkamp is named as an original cosponsor of the bipartisan agreement crafted by HELP Committee leaders Senators Alexander and Murray to fund CSRs for two years, increase flexibility for states to apply for 1332 waivers, reinstate outreach and enrollment funding, and create a new tier of coverage in the Marketplace modeled after the “Copper” plan.

October 2017: Heitkamp cosponsored the bipartisan *Increasing Access to Care Act (S. 1976)* to create a “Copper” tier coverage level in the Exchange, which has a lower premium and higher deductible than existing options. This bill mirrors language in the Alexander-Murray agreement and closely resembles legislation Heitkamp supported during the 113th Congress as part of her “fix the ACA” effort.

November 2017: Heitkamp helps reintroduce the *Family Coverage Act (S. 2132)* to address the “family glitch.”

January 2018: A one year suspension of the health insurance tax (HIT) for 2019 – a policy Heitkamp championed in her stand-alone bill (*S. 1978*) – is included in legislation to continue funding the federal government.

March 2018: Heitkamp joined Senator Rand Paul (R-KY) in introducing the *Tanning Tax Repeal Act (S. 2600)* to end the 10 percent tax on tanning services that was implemented by the ACA.

June 2018: Heitkamp joins colleagues in sending a letter to President Trump opposing the Administration's decision to not defend provisions of the ACA, including protections for individuals with pre-existing conditions. *Texas v. the U.S. Department of Health and Human Services (HHS)* was brought forward in February by Texas and 19 other state Attorneys General to strike down the entire ACA following repeal of the individual mandate by Congress.

July 2018: Heitkamp joins Senator John Barrasso (R-WY) in supporting the *Health Insurance Tax Relief Act (S. 3063)* to suspend the health insurance tax (HIT) for 2020.